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09/818,125	03/26/2001	Masahiro Minowa	81747.0191	8629

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 April 2007*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-23* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date *5/8/05*
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response the Request for Continued Examination filed April 24, 2007. Claims 1, 16, 22 and 23 have been amended. Claims 1-23 are still pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 in the preamble recites <u>a server</u> system coupled to a POS system and connected to a client PC via the Internet and to <u>another server system</u> coupled to another POS system. The preamble also recited "said server system comprising". Since there are two servers recited in the preamble it is unclear which server is comprised of the recited "means for" steps. The claim also recites that "(d) means for distributing at least a part of the input information to the POS system coupled to the server and to the other server system coupled to the other POS system (e) control means for controlling printing the advertising placement information on the POS system coupled to the server". Examiner understanding is that part of the <u>input information</u> is distributed to <u>the POS system</u> that is coupled to the server <u>and to the other server</u> that is coupled to the other POS system. But the control means controls <u>printing the advertisement placement information</u> on the <u>POS system</u> coupled to the server.

As best understood by the Examiner, *input information containing advertising placement information* is received. Part of the input information (excluding the adverting placement information) is distributed to (first) POS system and to the other server. The first POS system happens to be coupled to a first server and the other server happens to be coupled to other POS system. The control means controls printing of the advertisement placement information on the POS system coupled to the (first) server. Therefore, the input information is distributed to the second server but is not printed on the POS system that is coupled to the server; the control means only controls printing of the advertisement on the first POS system, which indicates that one type of data is distributed to one server and other type of data is printed on the POS system. In the preamble it is indicated that only the second POS system (one coupled to the other server system) having a POS terminal with a printer. Clarification is respectively requested.

Claim 16 also recites receiving input information containing advertising placement information wherein the advertising placement information includes <u>information to be printed</u> registering <u>the advertising information</u> for which payment has been confirmed and outputting <u>advertisement</u> by means of the printed device. There is no link between the information received, the information register and outputted. Also, according to the preamble only the POS system that is coupled to the "another server" have a POS terminal device with a printing device. Therefore, the advertisement can only be outputted by the "other POS system" or "other POS terminal".

Claim 22 recites receiving and storing "input information containing advertising placement information" provided by client PC in the first server (coupled to a first POS system). Further the claim recites registering in the first POS system "advertising information" for which

payment has been confirmed. Examiner would like to point out to the applicant that the claim

does not recite receiving "advertisement information", rather the claim recites receiving

"advertising placement information". The claim also recites sending "at least part of the input

information" to a second server coupled to a second POS system. Thus, the received information

data has nothing to do with the advertisement information registered in the first POS system and

the data sent to the POS system. The claim further recites outputting "advertisement" by means

of the "printing device". As claimed the information printed is also different from the received

data since the claim does not recite receiving "advertisement". As claimed there is no

relationship with the received information, registered information, sent information and

outputted information. The claim also does not recite any of the POS system including a

"printing device".

Claim 23 recites an information distribution managing unit for distributing specific data

in the input information to the first POS terminal device specified by the client specified by the

client PC and to "a second server" coupled to a second POS terminal. The claim does not recite a

first server, rather recites a first POS terminal. The claim also recites wherein the POS terminal

device to which the specific data is distributed prints the advertisement placement information".

As claimed, "input information containing advertising placement information" is received,

"specific data in the input information" is distributed to a POS terminal and the POS terminal

prints "advertising placement information". It is unclear what data is received, what data is

distributed and what specific information is printed by the POS terminal. The preamble recites a

network system having a server system connected to a client PC via the Internet and to a first

POS terminal device, having a printing device. However, the body of the claim recites the

network system comprising of a storage unit, an application management unit, a storage unit and

an information distribution managing unit. It is unclear if applicant meant to claim the server to

include the units claimed in the body rather than the network system, since the claimed units are

part of a single device

Claim 22 recites the limitation "the printing device". There is insufficient antecedent

basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky et

al. (6,334,109) in view of Hunter et al. (US 6,650,429).

Regarding claims 1, 4-8, 10-15, Kanevsky teaches means for storing advertisement and

means for controlling presenting advertising on POS sales receipt or on display (see col. 2 lines

59-64). Kanevsky teaches a local server 105, 107 linked to advertiser server 112 for a

personalized advertisement that can be displayed at shopping server and/or printed by printers.

Kanevsky also teaches another server (another sales system) (coupled to another POS) linked to

gas pump, as well as ticket sale machine, telephone and PC communicating with the advertiser

server via network (130) for printing advertising on a receipt (see fig. 1-5, col. 3 lines 1-12, col.

5 lines 1-57, col. 6 lines 7-65). Kanevsky does not teach providing the advertisers with

advertisement placement application page. Hunter teaches server (customer interface web

server) providing means for storing application page containing an advertising placement

application form; means for sending the application page containing the application form to the

client PC in response to a request from the client PC; receiving and storing input information

containing advertising placement information (see fig. 1 and col. 2 line 66 to col. 3 line 22, col. 4

lines 3-43, col. 7 lines 25-50). Hunter teaches accessing a central station via the Internet through

interface web server sending advertisement content and for scheduling and purchasing

advertisement time for displaying advertisement in specific locations. Hunter teaches a second

server, different from the first server, providing means for receiving and storing input

information containing advertising placement information provided by the client PC in

accordance with the application form (see col. 3 lines 22-30). Hunter teaches the video & still

image review and input module permits a system security employee to conduct a content review

to assure that all content meets the security and appropriateness standards established by the

system prior to the content being read to the server 100 (see also fig. 1). Hunter also teaches

enabling selection of one place name from a plurality of names of places or area, where

advertisement can be placed; enabling specification of one or more conditions restricting

advertising placement, specifying advertising period, specific time period, target (see col. 4 lines

5-44). It would have been obvious to one of ordinary skill in the art at the time of the invention

to provide an application page to Kanevsky's POS system, as in Hunter, so that advertisers can

directly send their own advertisements electronically to the network to be displayed at locations

and times selected by the advertisers, as taught in Hunter (see abstract).

Regarding claim 2, Hunter teaches means for calculating an advertising placement fee,

means for storing and sending the calculated fee information to the client PC, means for

confirming fee payment (see col. 4 lines 4-46, col. 6 line 62-25). Hunter teaches billing and

report generation module providing reports showing calculating advertisement placement fee

storing and sending the calculated fee information and payment to user. It would have been

obvious to one of ordinary skill in the art at the time of the invention for one to know that the

retail stores of Kanevsky would charge the advertisers a fee for displaying and printing the

advertisement, in order to generate revenue, by providing promotional display and to inform the

advertisers by providing billing system for the service provided, as taught in Hunter.

Regarding claim 3, Kanevsky teaches plurality of POS system installed in plurality of

locations (see fig. 1 and col. 5 lines 1-32). It is inherent for a retail system to provide the same

POS system in each chain store or branches.

Regarding claim 9, Kanevsky does not teach wherein the application page enables

specification of a number of pages printed for advertising placement as one of the conditions.

Official notice is taken that is old and well know in advertisement to specify the number of ad

prints or volume and to be charged based on the number of ads printed or displayed. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to provide

a page for specifying the number of prints for those who prefer to pay fee based on the number

of printed coupons, rather than based on time period, in order to make sure that advertiser is

paying only for coupons that are provided to customers.

Claims 16-21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sleeper et

al. (6,401,074) in view of Hunter et al. (US 6,650,429).

Regarding claims 16, 18, 20 and 21 Sleeper teaches receiving and storing advertisement

placement information, charging fee for the placement of the advertisement, registering in the

POS system coupled to the server and/or the other POS system coupled to the other server,

advertising information and outputting advertisement by means of a printer device, charging the

advertisers for placement of the advertisement; sending specific information to the POS system;

distributing by central computer connected to POS, via the Internet (see col. 3 lines 1-67, col. 6

lines 50-67,col. 8 lines 47-67, col. 9 line 60 to col. 10 line 3). Sleeper does not teach how the

advertisers submit the advertisement placement information that is displayed and printed by the

retailer stores (POS) and calculate an advertisement fee based on the input information, it is

taught in Hunter. Hunter teaches providing application page containing an advertisement

application form for receiving and storing information containing advertisement placement

information (customer interface web server) (see col. 2 line 66 to col. 3 line 30), calculating fee

based on the selection; sending specific information to the be displayed (server 100) (see col. 3

line 62 to col. 4 line 46). It would have been to one of ordinary skill in the art to provide

application page for receiving and storing information containing advertisement placement

information and calculated fee based on the input information. One would be motivated to

provide advertisers a direct access for purchasing promotional displays and for directly sending

their ads electronically, to be displayed at the locations and time selected by the advertiser as

taught by Hunter (see col. 1 lines 7-18 and col. 2 lines 1-25), and to calculate fee that would

provide revenue. Hunter does not teach the calculating fee is with a second server, which is

separate from the first server. It would have been obvious to one of ordinary skill in the art at the

time of the invention to use separate server to calculate fees and to perform billing process if the

accounting is performed by different office.

Regarding claim 17, Hunter teaches payment using debit payment or other suitable payment code (see col. 4 lines 44-47). Official notice is taken that is old and well known in credit card processing, to confirm credit card validity by a credit card company or banks. It would have been obvious to one of ordinary skill in the art at the time of the invention for someone to know that Hunter's payment system would confirm the validity of the credit card used for payment by contacting the credit card issuer, to avoid fraud.

Regarding claim 19, Sleeper does not teach confirming a POS system specified by the input information and sending the information to the confirmed POS system, it is taught in Hunter (see col. 1 line 66 to col. 2 line 25 and col. 2 line 66 to col. 3 line 21 and col. 4 lines 9-44). Hunter teaches specifying which locations (site code specified for the location) receive the message and transmitting the message to the locations selected by conforming the site code of the display location. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Hunter's selection of specific location, in Sleeper's retail system in order to provide advertisers of Sleeper an option to selectively display or print their advertisement in specific retail stores.

Claims 22 and 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 6,430,603) and further in view of Sleeper (US 6,401,074).

Regarding claims 22 and 23, Hunter teaches sending an application page containing an advertising placement application form with a first server (see fig. 1, customer interface web server and col. 2 line 66 to col. 3 line 30), receiving and storing the input information; calculating an advertising fee based on the input information with a second server (see col. 3

lines 21-30); sending payment specification form to the client PC (col. 4 lines 4-42); confirming

fee payment (see col. 4 lines 43-46) and registering in POS system (Point of service) advertising

information with a central computer (servers) and outputting advertisement (displays). Hunter

does not teach outputting the advertisement by means of the printing device (printing the

advertisement on a receipt or ticket). Sleeper teaches outputting advertisement provided by

vendors and manufacturers by means of printer device. It would have been obvious to one of

ordinary skill in the art at the time of the invention to output the advertisement of Hunter in

Sleeper's POS's printing devices for the purpose of providing promotional information to

customer at the point of sale, as taught by Sleeper (see abstract, col. 3 lines 1-67 and col. 9 line

60 to col. 10 line 12).

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Eller (US 7,038,637) teaches selling advertising space over the Internet.

Carney et al. (US 6,408,278) teaches advertisement application page.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The

examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RETTA YEHDEGA
PRIMARY EXAMINER